

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

ORIGINAL

In the Matter of)
1984 Cable Royalty) CRT Docket No. 85-4-84CD
Distribution Proceeding)

PHASE II REBUTTAL TESTIMONY
OF THE NATIONAL BROADCASTING COMPANY, INC.

Jerome J. Shestack
Linda M. Wellstein
SCHNADER, HARRISON, SEGAL & LEWIS
1111-19th Street, N.W.
Suite 1000
Washington, D.C. 20036
(202) 463-2900

Of Counsel:

Attorneys for National
Broadcasting Company, Inc.

Stephen F. Stander, Esq.
Gordon D. Kaye, Esq.
W. Drew Kastner, Esq.
National Broadcasting Company,
Inc.

November 18, 1986

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

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November 18, 1986

PHASE II REBUTTAL TESTIMONY
OF THE
NATIONAL BROADCASTING COMPANY, INC.

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Before the
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Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding) Affidavit of W. Drew Kastner

[illegible]

I, W. Drew Kastner, being duly sworn deposes and states that:

This affidavit is made for the purpose of adopting as my sworn testimony in this proceeding the attached "Rebuttal Testimony of W. Drew Kastner." The testimony provided therein is true and correct, and I adopt it as my sworn testimony in this proceeding.

Wt Drew Kesthe

W. Drew Kastner

Sworn to before me this
13th day of November, 1986

Notary Public

My Commission expires:

JOAN A. BUDAY
Notary Public, State of New York
No. 31-4850404
Qualified in New York County
Commission Expires Jan. 21, 1998

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding)

Rebuttal Testimony of W. Drew Kastner
for the National Broadcasting Company, Inc.

This testimony is presented as rebuttal evidence for the National Broadcasting Company, Inc. ("NBC") in Phase II of the 1984 Cable Royalty Distribution Proceeding.

1. I have been employed as an attorney with NBC since 1982. Currently, my position is Assistant General Attorney of NBC's Law Department in New York.

2. Since 1982, I have had primary responsibility for all copyright matters for NBC, including the preparation and filing of all claims before the Copyright Royalty Tribunal ("CRT"). In 1984, I prepared NBC's claim with the CRT for 1983 cable copyright royalties and supervised its filing. This claim included all royalties resulting from the distant signal carriage of "Little House on the Prairie" ("Little House").

3. I disagree with Mr. Delman's assertion that NBC never informed Worldvision Enterprises, Inc. ("Worldvision") of

its position that NBC, not Worldvision, was entitled to cable royalties for the Little House program series.

4. In my capacity as NBC's copyright counsel, I regularly advised Susan Beckett, Vice-President of Business Affairs of NBC Enterprises, Inc. and the Enterprises Division, on matters of copyright and related law. In this regard, Ms. Beckett informed me of her telephone conversation with Mr. Delman of Worldvision in early August, 1984 during which she advised him of NBC's 1983 claim and that NBC was the appropriate party to receive cable copyright royalties for the Little House program series.

5. At Ms. Beckett's suggestion, I contacted Mr. Delman in early August and reasserted NBC's position on this matter and reminded him that NBC filed a 1983 Phase I claim before the Tribunal for the Little House cable royalties. I can recall at least one other substantive conversation with Mr. Delman regarding this same subject. During these conversations, Mr. Delman and I clearly expressed to each other our disagreement about the entitlement to cable royalties for the Little House program series. Mr. Delman never asked that Mr. Wexler call him to confirm NBC's position.

6. During one of these telephone conversations with Mr. Delman, I was joined by Mr. Stephen Stander, Vice President of the NBC Law Department in New York. During that conversation,

Mr. Stander confirmed to Mr. Delman NBC's position regarding NBC's entitlement to cable copyright royalties for the Little House program series.

7. Inasmuch as I had put Mr. Delman on notice with regard to NBC's 1983 CRT royalty claim for the Little House program, I saw no need to send any additional written statement to Mr. Delman since NBC's 1983 CRT filing itself clearly expressed NBC's position on this matter.

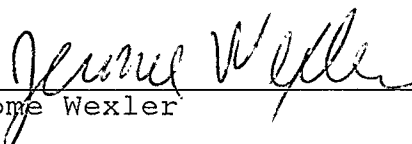
Before the
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Washington, D.C. 20036

In the Matter of)
1984 Cable Royalty) CRT Docket 85-4-84CD
Distribution Proceeding) Affidavit of Jerome Wexler

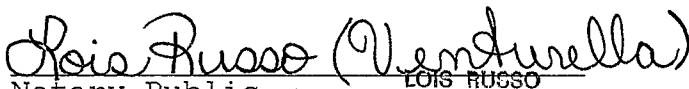
COUNTY OF NEW YORK)
STATE OF NEW YORK) ss:

I, Jerome Wexler, being duly sworn deposes and states
that:

This affidavit is made for the purpose of adopting as
my sworn testimony in this proceeding the attached "Rebuttal
Testimony of Jerome Wexler." The testimony provided therein is
true and correct, and I adopt it as my sworn testimony in this
proceeding.


Jerome Wexler

Sworn to before me this
13th day of November, 1986


Lois Russo
Notary Public Notary Public, State of New York
No. 03-8743129
Qualified in Bronx County
My Commission expires: Commission Expires March 15 1987

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding)

Rebuttal Testimony of Jerome Wexler
for the National Broadcasting Company, Inc.

This testimony is presented as rebuttal evidence for the National Broadcasting Company, Inc. ("NBC") in Phase II of the 1984 Cable Royalty Distribution Proceeding.

1. I have been employed by NBC for 23 years. Presently I hold the position of President, NBC Enterprises, Inc. During the period of the negotiation and drafting of the 1979 Agreement with Worldvision concerning domestic distribution of "Little House on the Prairie," I held the position of Vice President of NBC's Entertainment Division.

2. I was aware of the negotiations concerning Worldvision's distribution of Little House while they were in progress but played no active part in such negotiations.

3. During this period, I headed an Ad Hoc Committee formed to explore emerging markets and new technologies for

cable television, video disc and video cassettes. Susan K. Beckett was a member of this committee.

4. The purpose of this committee was to investigate methods of exploiting our rights in NBC-produced programs with respect to these and other potential new media.

5. In 1984 I was President of NBC Enterprises, Inc. At that time Susan Beckett was Vice President of Business Affairs for NBC Enterprises, Inc. and reported to me. Ms. Beckett had the responsibility with respect to the legal and financial concerns of various NBC properties which included the program series "Little House on the Prairie."

6. By virtue of her position, Ms. Beckett had the authority to make the decision to file a claim before the Copyright Royalty Tribunal for the Little House program.

7. I was aware of and supported Ms. Beckett's decision to claim the 1983 cable royalties to be distributed by the Copyright Royalty Tribunal for Little House. I concurred in her judgment to place a courtesy call to Mr. Delman of Worldvision Enterprises, Inc. and to put him on notice of NBC's claim to 1983 cable copyright royalties for Little House.

8. I do not recall ever having had substantive discussions with Mr. Delman concerning Little House. Nor do

I recall ever having had lunch with Mr. Delman and David Freedman together. I do remember having once had lunch with Mr. Delman, a lunch which was not attended by David Freedman, and which was not for the purpose of discussing NBC's Agreement with Worldvision for the Little House program.

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding) Affidavit of Susan K. Beckett

[illegible]

I, Susan K. Beckett, being duly sworn deposes and states that:

This affidavit is made for the purpose of adopting as my sworn testimony in this proceeding the attached "Rebuttal Testimony of Susan K. Beckett." The testimony provided therein is true and correct, and I adopt it as my sworn testimony in this proceeding.

Susan K. Beckett
Susan K. Beckett

Sworn to before me this
14th day of November, 1986

John E. Buday
Notary Public

JOAN A. BUDAY
Notary Public, State of New York
No. 31-4850464
Qualified in New York County
Commission Expires Jan. 21, 2025

My Commission expires:

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding)

Rebuttal Testimony of Susan Beckett for
the National Broadcasting Company, Inc.

This testimony is presented as rebuttal evidence for
the National Broadcasting Company, Inc. ("NBC") in Phase II of
the 1984 Cable Royalty Distribution Proceeding.

1. I have previously testified in this proceeding
and my position and duties as Vice President of Business
Affairs for NBC Enterprises remains as before.

2. At the time the 1979 NBC-Worldvision Agreement
was being drafted, Mr. Jerome Wexler was the Vice-President of
the NBC Entertainment Division in New York and chaired the Ad
Hoc Committee meetings which I have previously discussed.
Mr. Wexler is currently the President of NBC Enterprises, Inc.

3. I have reviewed the six-month financial
statements supplied by Worldvision in connection with Little
House and affirm that NBC could not accurately determine from

those statements whether Worldvision had collected Copyright Royalty Tribunal monies. From time to time, we asked for additional "backup" material on general questions regarding the 6-month financial statement. I have also reviewed those materials and affirmed that NBC could not determine whether Worldvision had collected Copyright Royalty Tribunal ("CRT") monies because of the vague nature of the coding system utilized by Worldvision. ~~Attached hereto, as part of this Exhibit, is a sample of how the backup documentation was provided by Worldvision to NBC for Little House.~~

4. In the spring of 1984, the NBC Law Department advised me that Little House was one of the programs for which MPAA had submitted a claim in connection with the 1982 CRT proceedings. Around June 1984, I asked NBC's Finance Division to investigate whether CRT monies were being collected by Worldvision. In this regard, an independent auditor who was already conducting an audit relating solely to the foreign distribution of Little House, was requested to investigate whether CRT royalties were in fact being collected by Worldvision for Little House. Pending the results of this inquiry -- which eventually confirmed that CRT royalties were being collected for Little House -- I instructed the NBC Law Department to file a claim for 1983 CRT royalties regarding Little House. But for our own probe into this matter, NBC

would not have known from Worldvision's reporting as of that time that Worldvision was collecting such CRT royalties.

5. In an effort to verify this information, I called Neil Delman on August 3, 1984. In our conversation (which I referred to in my earlier testimony), I advised Mr. Delman that NBC was entitled to Copyright Royalty Tribunal royalties for Little House and I did not tell him that that was my personal opinion. It was not, and is not, my practice to express personal, rather than NBC, positions in negotiations with distributors. On the contrary, I advised Mr. Delman of NBC's position.

6. Mr. Jerome Wexler was aware of and approved my decision to file a claim on behalf of NBC for the 1983 cable royalties for the NBC-produced program series "Little House on the Prairie." Mr. Wexler was also aware of my informing Mr. Delman of such claim by NBC. Such decisions were encompassed under my authority as Vice-President of Business Affairs of NBC Enterprises, Inc.

7. After my conversation with Mr. Delman, I suggested that Drew Kastner, or Steve Stander, of the NBC Law Department, speak to Mr. Delman, and they told me they had done so. Attached hereto, as part of this Exhibit, is my telephone log which confirms my recollection in that regard.

CONTRACT# CUNT AMT COLLECT TO 12/8

D91311	68000	68000
D91370	11175	11175
D91380	20400	20400
D91390	20400	20400
D91410	25500	25500
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C19132	565	0
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D12642	49800	0
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D20811	27000	0
D20812	208100	0
D24010	267000	0
D82083	365200	7609
D82128	215800	0
D82227	249000	9425
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D83189	2011090	0
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D83312	99600	4150
D83009	0	-5715
D99999	54332	71

83356556

32538984

250 records selected

NBC Telephone Message Register

WEDNESDAY,

Date: August 8, 1984

	Name	Telephone	Subject and Action
11:28	MARSHALL WEIDORNE	X2067	
11:58	LAURIE: PERRY SIMON's office (416) 431-1717		Re: A meeting with Stan Weston
12:10	DREW KOSTNER	4966	He just finished a conversation with Mr. Delman from Uckel Vision and it's important that he speak with you immediately.
12:16	LLOYD SEGAN	4756	Pls. return call
	• Rick Basso	3951	
	• Lisa March	245-7001	
	• Ann Lehigh	X3831 (Burbank)	
3:30	DAN SULLIVAN from BROADWAY VIDEO	265-7600	
2:20	✓ FINE	213/551-5128	Call
	✓ FINE		M-F 9-5:30 PM
			10-10:30 PM
			metamorphosis
			Chicago
			26 Aug 84
1:20	ALLAN STERNFELD	3489 (Burbank)	

RECEIVED

OCT 17 1986

W. DREW KOSTNER

Struck

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
1984 Cable Royalty) CRT Docket 85-4-84CD
Distribution Proceeding) Affidavit of David Freedman

COUNTY OF LOS ANGELES)
STATE OF CALIFORNIA) ss:

I, David Freedman, being duly sworn deposes and
states that:

This affidavit is made for the purpose of adopting as
my sworn testimony in this proceeding the attached "Rebuttal
Testimony of David Freedman." The testimony provided therein is
true and correct, and I adopt it as my sworn testimony in this
proceeding.

David Freedman

David Freedman

Sworn to before me this
14 day of November, 1986

Rosaleen Doherty

Notary Public

My Commission expires: _____



Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding)

Rebuttal Testimony of David Freedman for
the National Broadcasting Company, Inc.

This testimony is presented as rebuttal evidence for
National Broadcasting Company, Inc. ("NBC") in Phase II of the
1984 Cable Royalty Distribution Proceeding.

1. I am presently Senior Vice-President,
Television, Business Affairs at Twentieth Century Fox Film,
Corp.

2. From 1967 through 1972, I was employed as NBC's
Vice President in charge of business affairs in Burbank,
California. From 1975 through 1983, I was employed as NBC's
Vice President of Business Affairs in Burbank.

3. I conducted the direct negotiations for NBC
concerning the 1979 Agreement with Worldvision Enterprises,
Inc. ("Worldvision") with regard to the domestic non-network
distribution of the NBC program "Little House on the Prairie"
("Little House").

4. During the time of my negotiations of the 1979 Agreement with Worldvision, I discussed the Agreement with both Susan Beckett, at the time a senior attorney in the New York law department and Bernard Gold, an attorney in the Los Angeles office of the Proskauer Rose Goetz and Mendelsohn law firm. During these discussions, I consistently made the point that Worldvision's rights to distribute the Little House programs were to be limited to conventional free television on other than a national network prime time basis. At the time I could not know the full impact of the new video technologies of cable television, video disc and video cassette, and therefore I had absolutely no intention to assign NBC's rights to exploit the new technologies to Worldvision or any other party.

5. During my negotiations with Mr. Delman, I made clear that Worldvision's distribution rights were limited to conventional free television broadcasts of Little House. Mr. Delman agreed to such limitations.

6. In this connection, I explained to Mr. Delman that it was NBC's position that Worldvision's limited distribution right did not include cable origination rights. The reason NBC did not grant cable origination rights to Worldvision was because it was NBC's intention to reserve unto itself the right to exploit cable distribution since it was not prohibited by the FCC rules.

7. During these negotiations, Mr. Delman and I never discussed the general question of secondary transmission by cable systems, nor the specific question of cable copyright royalties.

8. I did advise Mr. Delman that NBC would be barred from profit participation in the domestic syndication of Little House under the FCC rules. However, I never suggested that such "profit" from syndication would include cable copyright royalties.

9. I disagree with Mr. Delman's characterization of the distribution Agreement as a "buy-out." The distribution rights granted Worldvision in the Agreements were specifically limited in manner and in time. For example, Worldvision may only distribute Little House "over conventional free television on other than a national network prime time basis" for a period of thirty-five years.

10. At the time of the negotiation of the 1979 Agreement, I was not aware of any general industry practice which automatically granted the cable copyright royalties to the syndicator.

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding) Affidavit of Bernard D. Gold

COUNTY OF LOS ANGELES)
)
STATE OF CALIFORNIA) ss:

I, Bernard D. Gold, being duly sworn deposes and states that:

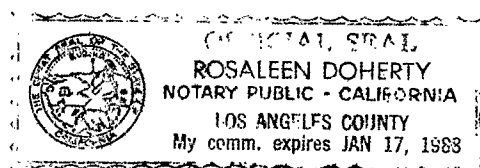
This affidavit is made for the purpose of adopting as my sworn testimony in this proceeding the attached "Rebuttal Testimony of Bernard D. Gold." The testimony provided therein is true and correct, and I adopt it as my sworn testimony in this proceeding.

Bernard D. Gold
Bernard D. Gold

Sworn to before me this
13 day of November, 1986

Rosaleen Doherty
Notary Public

My Commission expires:



Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding)

Rebuttal Testimony of Bernard D. Gold for
the National Broadcasting Company, Inc.

This testimony is presented as the rebuttal evidence
of National Broadcasting Company, Inc. ("NBC") in Phase II of
the 1984 Cable Royalty Distribution Proceeding.

1. I am currently the Partner in charge of the Los
Angeles, California office of the Proskauer Rose Goetz &
Mendelsohn law firm.

2. I have practiced law since 1955. My practice
has varied over the years between labor relations and enter-
tainment law.

3. From 1976 to 1977, I was employed by NBC in
Burbank, California as the head of its West Coast Law
Department. During this time, my practice at NBC included both
labor and entertainment law.

4. In 1977, my responsibilities as Vice President were to oversee the NBC legal offices on the west coast, as well as responsibilities with respect to labor and personnel matters.

5. From sometime near the end of 1978, I worked closely with David Freedman, who was then employed as NBC's Vice President in charge of business affairs in Burbank, California.

6. During that period, I participated in the drafting of the 1979 NBC-Worldvision Agreement pertaining to the NBC produced program "Little House On The Prairie" ("Little House").

7. On June 1, 1979, I left NBC to open up the Los Angeles office of the Proskauer law firm.

8. Subsequently, NBC retained me to continue to work on the 1979 NBC-Worldvision Agreement and to draft the 1982 NBC-Worldvision Agreement pertaining to the Little House program.

9. During the period I was involved in drafting the 1979 Agreement, I had discussions on this subject with David Freedman who was involved in negotiating the substantive provisions of the Little House Agreement and with Susan Beckett

regarding her review of the substantive provisions of the Little House Agreement. At that time, Ms. Beckett was a Senior Attorney with the New York Law Department. She is now Vice President of Business Affairs, NBC Enterprises.

10. As a consequence of these discussions, I was instructed to draft the 1979 NBC-Worldvision Agreement to exclude Little House's distribution and exhibition over pay and cable television as agreed upon by the parties.

11. I refer the Tribunal to the identical language of the 1979 Agreement at page 3 of Exhibit 2 and the 1982 Agreement at page 4 of Exhibit 3 which states

[t]he rights granted Purchaser hereunder extend solely to exhibition over conventional free television on other than a national network prime time basis.

I also refer the Tribunal to the identical language of the 1979 Agreement at p. 9-10 of Exhibit 2 and the 1982 Agreement at page 12 of Exhibit 3 which states

Notwithstanding any other provision of this Agreement, it is understood that this Agreement grants no rights to Purchaser, and places no restrictions on NBC regarding any means of distribution or exhibition, other than by conventional free television broadcasts.

12. I attest to the fact that this language did not intend to encompass distribution or exhibition of the Little

House program over cable television. Moreover, this language was drafted to specifically exclude exhibition of this program over cable television systems. Furthermore, the language did not intend to assign NBC's right to receive the cable royalties allotted to the Copyright Royalty Tribunal. It is my understanding that this language correctly reflects the agreement reached by the respective principals.

13. I also refer the Tribunal to the identical language in the 1979 Agreement at page 2 of Exhibit 2 and the 1982 Agreement at page 3 of Exhibit 3 which states

[i]t is expressly understood that Purchaser's rights under this Agreement are limited to the right to distribute, exhibit, and advertise the produced episodes pursuant to the terms of this Agreement,

14. My recollection was that David Freedman instructed me to draft the Agreement such that only the limited rights granted to Worldvision were expressed, and to assure that any rights not specifically granted were excluded and therefore retained by NBC. In this regard, there is no question in my mind that the right to receive royalties from the Tribunal was excluded from the Agreement and that this right was retained by NBC.

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding) Affidavit of Arthur R. Miller

COUNTY OF MIDDLESEX)
)
STATE OF MASSACHUSETTS) SS: .

I, Arthur R. Miller, being duly sworn deposes and states that:

This affidavit is made for the purpose of adopting as my sworn testimony in this proceeding the attached "Rebuttal Testimony of Arthur R. Miller." The testimony provided therein is true and correct, and I adopt it as my sworn testimony in this proceeding.

Arthur R. Miller

Sworn to before me this
17th day of November, 1986

Patricia E. Keane
Notary Public

My Commission expires: 2-1-91

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)
) CRT Docket 85-4-84CD
1984 Cable Royalty)
Distribution Proceeding)

Rebuttal Testimony of Arthur R. Miller
for the National Broadcasting Company, Inc.

This testimony is presented as rebuttal evidence for the National Broadcasting Company, Inc. ("NBC") in Phase II of the 1984 Cable Royalty Distribution Proceeding.

1. I am a Professor of Law at the Harvard Law School. I have taught copyright law for over twenty years, at Harvard and, before that, at the University of Michigan Law School and the University of Minnesota Law School. I have written and testified before Congress about copyright law. More complete information on my personal and professional background is contained in Attachment 1, hereto.

2. I was appointed by President Ford to be a member of the National Commission on New Technological Uses and Copyrighted Works (often called CONTU). I testified on numerous occasions in the 1960s and 1970s on copyright law revision regarding technology and copyright. I was the

principal drafter of Section 117 of the Copyright Act enacted in 1976, which dealt with copyright issues related to new technology. As a member of CONTU's computer subcommittee, I also played a major role in proposing the 1981 amendments to Sections 101 and 117.

3. NBC has asked me to express my opinion on the question of who is entitled to receive the cable copyright royalties under Section 111 of the Copyright Act for the television program series "Little House On The Prarie" ("Little House").

4. I have reviewed the copyrights held by NBC to the television series known as "Little House On The Prarie."

5. I understand that NBC created, financed, developed and produced the "Little House" television series and retained creative control over the program from the very start of the development and production of the program as a television series. I understand, also, that Worldvision did not create, develop, finance, produce, or exercise creative control over the series, and was not at risk regarding the series.

6. In my opinion, NBC obtained the relevant copyrights for exhibition, distribution and utilization of Little House, with all of the entitlements that come therefrom. NBC has transferred to Worldvision only the limited right solely to the exhibition of broadcasts over conventional free television (on other than a national network prime time basis) and, in my opinion, NBC has retained all other relevant copyright rights, including the copyright rights to royalties from the exhibition of Little House over a cable system, whether by primary, or secondary, exhibition.

7. While as a result of transfer or assignment more than one entity may be entitled to copyright interests in copyrightable material, any such transfer or assignment of copyright rights must be specific, unambiguous, and clearly intend the division of the copyright. In this case, I am of the opinion that NBC did not intend to, and cannot be reasonably said to have transferred or assigned its copyright interests in any royalties collected by the Copyright Royalty Tribunal from secondary transmissions by cable systems.

8. Put another way, viewing a copyright as a bundle of rights, it is my opinion that NBC retained in its bundle of rights its copyright to any and all exhibition of Little House, except as to domestic syndication distribution broadcast over conventional free television, and that copyright royalties paid

by any exhibitors other than those licensed for broadcast over conventional free television belong to NBC.

9. My conclusion is supported by the legislative history of the Copyright Act, which reveals a legislative intent that copyright royalties should be paid by cable operators to the creators of the relevant programs, which, in this case, is NBC.

10. My conclusion is further buttressed by my review of the contractual agreements of 1979 and 1982 between Worldvision and NBC, for the purpose of granting Worldvision certain domestic syndication rights to certain Little House television programs produced for broadcast. These agreements, inter alia, specifically limit the rights of Worldvision "solely" to exhibition of broadcasts over conventional free television and do not include the grant of any rights to Worldvision with respect to the exhibition of the Little House series in, or over, cable systems, or any other systems, or medium.

ARTHUR R. MILLER
Professor of Law
Harvard Law School

Office Address: Harvard Law School
Cambridge, Massachusetts 02138

Telephone: (617) 459-4111

Home Address: 71 Fresh Pond Lane
Cambridge, Massachusetts 02138

Telephone: (617) 661-1872

Born: June 22, 1934, Brooklyn, New York

College Education: University of Rochester
A.B., 1955, with high honors
Phi Beta Kappa

Professional Education: Harvard Law School
LL.B., 1958, magna cum laude
Articles Editor, Harvard Law Review

Professional Employment: 1958-61, associated with Cleary,
Gottlieb, Steen and Hamilton, New
York, New York

1961-62, Associate Director, Columbia
Law School Project on International
Procedure

1961-62, Lecturer, Columbia Law School

1962-65, Associate Professor, University
of Minnesota Law school

1965-72, Professor, University of
Michigan Law School

1971-72, Visiting Professor, Harvard
Law School

1972-present, Professor, Harvard Law
School

Senate Testimony Relating to Privacy, Information, and Computer
Technology (all at the request of the Subcommittee):

United States Senate Subcommittee on Financial Institutions,
August 14, 1972 (amendments to Bank Secrecy Act)

United States Senate Subcommittee on Banking, Housing, and Urban Affairs (Consumer Credit), October 4, 1973

United States Senate Subcommittee on Constitutional Rights, February, 1971 (governmental data banks)

United States Senate Subcommittee on Constitutional Rights, April 25, 1969 (privacy and the census and other governmental information practices)

United States Senate Subcommittee on Antitrust and Monopoly, December 11, 1968 (credit bureaus)

United States Senate Subcommittee on Administrative Practice and Procedure, March 14, 1967 (the computer and individual privacy)

Public and Professional Activities Relating to Privacy, Information, and Computer Technology:

Chairman, Massachusetts Security and Privacy Council

Member, Special Committee on Automated Personal Data Systems, Department of Health, Education and Welfare

Member, National Commission on New Technological Uses and Copyright

Member, Special Legislative Commission on Privacy (Commonwealth of Mass.)

Chairman, Governor's Special Commission on Privacy and Personal Data (Commonwealth of Mass.)

Member, Panel on Legal Aspects of Information Systems, Committee on Scientific and Technical Information, Federal Council for Science and Technology

Member, Special Decennial Census Review Committee, Department of Commerce

Member, National Advisory Panel of the Project on Computer Data Banks, National Academy of Sciences

Chairman, Panel on External Affairs, Interuniversity Communications Council (EDUCOM)

Advisor, Special Committee on Computer Research, State Bar of Michigan

Director, American Association of Law Schools Projects on Computer-Assisted Instruction

Member, American Bar Association Committee on Scientific and Economic Proof

Numerous speaking and radio and television appearances on such subjects as individual privacy, the census, computer technology, the National Data Center, and computers and the law

Publications Relating to Privacy, Information, and Computer Technology:

The Assault on Privacy: Computers, Data Banks, and Dossiers, 320 pages, University of Michigan Press (1971); paperback edition, New American Library (Signet) (1972)

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Books

New York Civil Practice, 8 volumes with J.B. Weinstein and H.L. Korn

Federal Practice and Procedure, multivolume treatise (twenty published), with C.A. Wright

Civil Procedure--Cases and Materials, 1,200 pages, with J.J. Cound, J.H. Friedenthal, and J. Sexton (four editions)

Civil Procedure Hornbook, 840 pages, with J.H. Friedenthal and M.K. Kane

Pleading, Joinder & Discovery--Cases and Materials, 643 pages, with J.J. Cound and J.H. Friedenthal

Sum & Substance of Civil Procedure, 417 pages, with J.H. Friedenthal (three editions)

Intellectual Property, 428 pages (with M.H. Davis)

Manual--CPLR, 1,050 pages, with J.B. Weinstein and H.L. Korn

Civil Procedure Supplement, 350 pages, with J.J. Cound and J.H. Friedenthal (nine editions)

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with F. Rigaux (1965)

International Co-operation in Litigation: Switzerland, in
International Co-operation in Litigation: Europe 358-381,
with M. Guldener (1965)

Other Professional Activities:	Member, American Law Institute
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	Member, United States Supreme Court Bar and the Bars of several United States Courts of Appeal
	Member, American Bar Association
	Member, Special Advisory Group to the Chief Justice of the United States Supreme Court on Federal Civil Litigation

Reporter, Advisory Committee on
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Manual on Complex Liti-
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Draftsman, Uniform Interstate and
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Rapporteur, Study on Taking Evi-
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Honorary Degree, Doctor of Laws,
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Honorary Degree, Doctor of Laws,
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Hutchinson Medal, University of
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CERTIFICATE OF SERVICE

I, Linda M. Wellstein, an attorney in the law firm of Schnader, Harrison, Segal & Lewis, hereby certify that I have caused copies of the the foregoing REBUTTAL TESTIMONY OF THE NATIONAL BROADCASTING COMPANY to be mailed U.S. mail, first class, postage prepaid, on the 18th day of November, 1986, to the following:

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